

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In re Application of:

Cumulus Licensing LLC

Application for a Minor Change  
For FM Translator W256BO

Application for a Covering License  
For FM Translator W256BO

Facility Id. No. 148550

FCC File No. BPFT-20110711AEI

FCC File No. BLFT-20110915ACL

RECEIVED  
FILED/ACCEPTED

To: Office of the Secretary  
Attn: Chief, Audio Division, Media Bureau

SEP 26 2011

Federal Communications Commission  
Office of the Secretary

**PETITION FOR RECONSIDERATION  
AND INFORMAL OBJECTION  
OF COX RADIO, INC.**

Cox Radio, Inc. ("Cox"), by its attorneys, and pursuant to Section 1.106 of the Commission's rules, hereby submits this Petition for Reconsideration against the grant of above-captioned construction permit application (the "Construction Permit Application") submitted by Cumulus Licensing LLC ("Cumulus") for FM translator W256BO (the "Translator"), and Cox submits this Informal Objection against the above-captioned covering license application (the "License Application") for the Translator. The Media Bureau granted the Construction Permit Application on September 9, 2011, and Cumulus filed the License Application on September 15, 2011. The Bureau, however, should rescind its grant of the Construction Permit Application because (1) Cumulus was able to secure the grant by apparently violating Section 311(c) of the Communications Act of 1934, as amended;<sup>1</sup> (2) the grant was inconsistent with the processing

<sup>1</sup> 47 U.S.C. § 311(c).

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freeze set forth in the *Third Further Notice of Proposed Rulemaking in the Creation of a Low Power Radio Service*;<sup>2</sup> and (3) the grant authorizes an inefficient use of spectrum.<sup>3</sup> Once the Bureau rescinds its grant of the Construction Permit Application, the Bureau should dismiss the License Application. Ultimately, the public interest would be better served if Cumulus continues to operate the Translator with its existing facilities, which already provides service over much of the Atlanta market.

## BACKGROUND

On December 13, 2007, the Commission granted the initial license for the Translator to serve Tallapoosa, Georgia from a transmit site in rural Haralson County, Georgia, which is outside all Arbitron Metro Markets. Over the next three and a half years, the Translator's prior licensee filed eleven successive minor change applications immediately followed by covering license applications. Each minor change application proposed to move the Translator closer to Atlanta culminating in its present transmitter location a few miles from the heart of downtown Atlanta.<sup>4</sup> Cumulus is not moving the Translator further into Atlanta – the eleven minor change applications already have achieved that goal. Instead, the Construction Permit Application requested authority to change frequency from 99.1 MHz to 98.9 MHz, which is second adjacent

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<sup>2</sup> Creation of a Low Power Radio Service; Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, *Third Further Notice of Proposed Rulemaking*, 26 FCC Rcd 9986 (2011) ("*LPFM Third Further Notice*").

<sup>3</sup> Cox has standing to file this Petition as a "person whose interests are adversely affected" by grant of the Construction Permit Application because the modified facilities will cause interference to Cox's station WSB-FM, which operates on a second adjacent channel to the Translator. It was not possible for Cox to participate earlier in this proceeding because Cox could not have known of Cumulus's apparent violation of Section 311(c) of the Communications Act until September 6, 2011, when the Commission's CDBS database showed that all of the MX Translator Applications (as defined below) had been dismissed. The Commission granted the Construction Permit Application three days later. Such prompt action effectively prevented Cox from raising its objections earlier. See *Association for Community Education, Inc.*, 19 FCC Rcd 12682, ¶ 6 (2004).

<sup>4</sup> See Attachment A – Technical Statement.

to Cox's station WSB-FM, Atlanta, Georgia. Cumulus also proposed to increase the Translator's ERP from 99 watts to the maximum of 250 watts.

Cumulus acknowledged in its Engineering Statement that the Construction Permit Application was mutually exclusive with seven mutually-exclusive applications for new FM translators in the Atlanta Metro Market (the "MX Translator Applications"),<sup>5</sup> but Cumulus asserted that the Commission should process and approve the Construction Permit Applications because all seven MX Translator Applications "will be dismissed."<sup>6</sup> True to Cumulus' prediction, by various one-page letters and an email to the Commission dated between August 19, 2011, and August 30, 2011, the applicants for the seven MX Translator Applications (the "MX Translator Applicants") each voluntarily requested that the Commission dismiss their applications.<sup>7</sup>

**I. Cumulus Apparently Secured the Grant of the Construction Permit Application by Violating Section 311(c) of the Communications Act.**

Under Section 311(c) of the Communications Act, whenever a mutually exclusive applicant for a construction permit agrees to withdraw its application, the applicant must submit a copy of the agreement to the Commission for its approval. Specifically, Section 311(c)(1) states as follows:

If there are pending before the Commission two or more applications for a permit for construction of a broadcasting station, only one of which can be granted, it

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<sup>5</sup> Calvary Chapel of Twin Falls, Inc., Applicant for Channel 255D, Lawrenceville, GA (BNPFT-20030310AZU); Edgewater Broadcasting, Inc., Applicant for Channel 255D, Marietta, GA (BNPFT-20030317DSO); Edgewater Broadcasting, Inc., Applicant for Channel 255D, Alpharetta, GA (BNPFT-20030317DPH); Clark Atlanta University, Applicant for Channel 255D, Kennesaw, GA (BNPFT-20030317MMV); Edgewater Broadcasting, Inc., Applicant for Channel 255D, Sugar Hill, GA (BNPFT-20030317DVE); Edgewater Broadcasting, Inc., Applicant for Channel 255D, Dallas, GA (BNPFT-20030317DQJ); and Immanuel Broadcasting Network, Applicant for Channel 255D, Cumming, GA (BNPFT-20030317DHB).

<sup>6</sup> See Construction Permit Application, Exhibit 12.

<sup>7</sup> See Attachment B, which contains a copy of each request for dismissal.

shall be unlawful, without approval of the Commission, for the applicants or any of them to effectuate an agreement whereby one or more of such applicants withdraws his or their application or applications.<sup>8</sup>

Section 311(c)(2) further states that the request for approval “*shall* be made in writing jointly by all parties to the agreement,” and under Section 311(c)(3), the Commission may approve the agreement “only if it determines . . . that the agreement is consistent with the public interest, convenience, or necessity.”<sup>9</sup> The Commission has codified the statutory requirement in Section 73.3525 of its rules.<sup>10</sup>

It appears that Cumulus entered into one or more agreements to secure the dismissal of each of the MX Translator Applications. In the Construction Permit Application, Cumulus predicted that each of the MX Translator Applications “will be dismissed,” and, indeed, less than two months later, that is exactly what happened. Cumulus could not have known that the MX Translator Applications “will be dismissed” unless Cumulus arranged for the dismissals.<sup>11</sup> Moreover, it strains credulity to believe that all seven proponents of the MX Translator Applications suddenly would decide independently – after eight years – to withdraw their applications within the same eleven-day period. The MX Translator Applicants would have had no incentive at that time to withdraw their applications on their own – unless they had entered into separate agreements with Cumulus.

By apparently entering into agreements to secure the dismissal of the MX Translator Applications but failing to file such agreements with the Commission and obtain its prior

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<sup>8</sup> 47 U.S.C. § 311(c)(1).

<sup>9</sup> *Id.* § 311(c)(2)-(3) (emphasis added).

<sup>10</sup> 47 C.F.R. § 73.3525.

<sup>11</sup> Cox notes that Cumulus filed the Construction Permit Application on July 11, 2011 – one day *before* the Commission released the *LPFM Third Further Notice*. Thus, at the time Cumulus filed its Construction Permit Application, it could not have known that the Commission tentatively would conclude in the *LPFM Third Further Notice* that it should dismiss the MX Translator Applications.

approval, Cumulus and the MX Translator Applicants violated Section 311(c) and the Commission's rules. The Construction Permit Application and the MX Translator Applications were mutually exclusive applications falling under the purview of Section 311(c) of the Communications Act and Section 73.3525 of the Commission's rules.<sup>12</sup> Consequently, if Cumulus entered into an agreement with any of the MX Translator Applicants, Cumulus was required to submit the agreement to the Commission for approval. Cox could find no evidence in the Commission's files that Cumulus did so.

In fact, if Cumulus had submitted a copy of its agreement(s) with the MX Translator Applicants as required by Section 311(c), the Bureau would have rejected the agreement(s) as inconsistent with the public interest. In *Rebecca Radio of Marco*, the full Commission held that third-party, "white-knight" settlements do not serve the public interest.<sup>13</sup> A third-party, like Cumulus, which was not part of the initial mutual exclusivity, cannot arrange a settlement agreement where it is the sole remaining party stepping into the shoes of the mutually exclusive applicants.

If the parties entered into one or more agreements and did not submit those agreements to the Commission for prior approval, their action was "unlawful" under Section 311(c). Moreover, even if they had submitted the agreements for approval, the Bureau would have rejected them – under longstanding precedent – as contrary to the public interest. The Commission cannot waive its statutory obligation under Section 311(c)(3) to ensure that any agreement to resolve a mutual

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<sup>12</sup> The statute and the rule both apply to mutually exclusive construction permit applications for a "broadcast station." FM translators undoubtedly are broadcast stations. See 47 U.S.C. § 153(6) (defining "broadcasting" as "the dissemination of radio communications intended to be received by the public, directly, or by intermediary relay stations"); 47 C.F.R. § 74.1201(a) (defining an FM translator as "a station in the broadcasting service . . .").

<sup>13</sup> *Rebecca Radio of Marco*, 5 FCC Rcd 937 (1990), *recon. denied*, 5 FCC Rcd 2913 (1990).

exclusivity satisfies the public interest. Accordingly, the Bureau should rescind its grant of the Construction Permit Application.

**II. The Facilities Proposed in the Construction Permit Application Violate the Processing Freeze in the *LPFM Third Further Notice*.**

Once the Bureau rescinds its grant of the Construction Permit Application, it must suspend its processing of the application because the Construction Permit Application violates the processing freeze that the Commission imposed when it released the *LPFM Third Further Notice*. In the *LPFM Third Further Notice*, the Commission analyzed every Arbitron Metro Market to determine whether sufficient opportunities for low power FM (“LPFM”) service exist. If the Commission deemed a market to have inadequate opportunity for LPFM service, the Commission categorized the market as “spectrum limited” and proposed to restrict translator licensing opportunities in that market.<sup>14</sup> Specifically, the Commission directed the Bureau to suspend processing of any translator application proposing to move into a spectrum-limited market.<sup>15</sup> The Atlanta Metro Market is among the spectrum-limited markets identified in the *LPFM Third Further Notice*.<sup>16</sup> As a result, the Bureau must suspend its processing of any FM translator applications proposing to move into the Atlanta market.

Grant of the Construction Permit Application was inconsistent with this processing freeze. The Construction Permit Application was the final step in a three-year process to move the Translator into the Atlanta Metro Market. Just three years ago, the Translator was licensed to rural Tallapoosa, Georgia in Haralson County, Georgia, which is outside of all Arbitron Metro Markets. Since then, in an attempt to circumvent the Commission’s FM translator major change

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<sup>14</sup> *LPFM Third Further Notice*, ¶ 25.

<sup>15</sup> *Id.*, ¶ 31.

<sup>16</sup> *Id.* at Appendix A.

rule, the licensee of the Translator filed eleven successive “minor” change applications to move the translator fifty-two miles into the Atlanta Metro Market.<sup>17</sup> The Construction Permit Application was the final application in this series of eleven hops.

The Bureau should consider the Construction Permit Application as part of a single proposal to move the Translator directly from Tallapoosa to Atlanta. In its recent *Letter to John F. Garziglia*, the Bureau determined that successive translator hops “are not ‘technical and minor’ in nature.”<sup>18</sup> Rather, they are a single proposal to move an FM translator a distance that is greater than otherwise permitted under FCC rules. Under *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327 (1945), the Bureau must view these successive applications as a single proposition and cannot treat each application as a discrete unrelated filing. If the Bureau were to treat each serial translator application as an individual minor change application it would “violate[] the essence of *Ashbacker*.”<sup>19</sup> Consequently, when viewed properly as an integrated proposal to move the Translator into the Atlanta Metro Market, the Construction Permit Application violates the freeze set forth in the *LPFM Third Further Notice*. The Bureau, therefore, should rescind its grant and suspend any further processing of the Construction Permit Application pending the outcome of the *LPFM Third Further Notice*. Otherwise, grant of the Construction Permit Application could have the effect of limiting future LPFM opportunities in a spectrum-limited market.

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<sup>17</sup> The Bureau has determined that filing multiple successive minor change applications is an abuse of the Commission’s processes. See *Letter to John F. Garziglia*, DA 11-1495, at 3 (Aud. Div. rel. Sept. 2, 2011); *Broadcast Towers, Inc.*, Order and Consent Decree, 26 FCC Rcd 7681, 7686 (MB 2011).

<sup>18</sup> *Letter to John F. Garziglia*, at 3.

<sup>19</sup> *Letter to John F. Garziglia*, at 4 (discussing the implication of *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327 (1945), on serial minor change applications) (internal quotation marks omitted).

### **III. Grant of the Construction Permit Application Should Be Rescinded Because the Translator Will Receive Massive Second-Adjacent Interference From WSB-FM's IBOC Operations.**

The Bureau also should rescind its grant of the Construction Permit Application as a wasteful and inefficient use of broadcast spectrum because nearly all listeners in the service area are predicted to receive significant interference once WSB-FM maximizes its IBOC facilities. Any application that proposes substantial interference – whether caused or received – is not in the public interest.<sup>20</sup> Although FM translators are secondary services and must accept all incoming interference, a proposed facility that will receive substantial interference is a wasteful and inefficient use of broadcast spectrum.<sup>21</sup> The public interest would be better served if the Translator resumed operation with its prior facilities on its prior channel.

On September 9, 2011, Cox filed an application to increase WSB-FM's Digital ERP to -10.5 dBc to maximize the reach of its IBOC operations.<sup>22</sup> According to the attached Technical Statement, WSB-FM's resulting operations will cause "significant" interference to the second-adjacent operations proposed in the Construction Permit Application.<sup>23</sup> Indeed, Cox's engineering analysis indicates that interference from WSB-FM would affect **almost the entire population** within the Translator's service area.<sup>24</sup> The Translator's previous facilities on third-adjacent channel 256, on the other hand, would receive no interference from WSB-FM's maximized IBOC operations and minimal interference from other full power stations. Cumulus'

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<sup>20</sup> See *Grandfathered Short-Spaced FM Stations*, 12 FCC Rcd 11840, ¶ 10 (1997).

<sup>21</sup> See *id.* ("Interference caused and interference received are opposite sides of the same coin. Both represent an inefficient use of the spectrum.").

<sup>22</sup> See *Digital Audio Broadcasting Systems And Their Impact on the Terrestrial Radio Broadcast Service*, *Order*, 25 FCC Rcd 1182 (2010). As required under that *Order*, Cox must first obtain Commission approval before implementing this power increase.

<sup>23</sup> See Attachment A – Technical Statement.

<sup>24</sup> *Id.*



listeners would be better served if the Translator resumed operations with its prior facilities on 99.1 MHz. Accordingly, the Bureau should rescind its grant of the Construction Permit Application because it will result in significant interference and actually would serve fewer people than the Translator's existing facilities.

### CONCLUSION

The Bureau should rescind its grant of the Construction Permit Application because Cumulus secured its grant by apparently violating Section 311(c) of the Communications Act and because the grant was inconsistent with the processing freeze set forth in the Commission's ongoing LPFM proceeding. Moreover, the authorized facilities represent an inefficient use of spectrum because the Translator will receive "significant" interference from WSB-FM. Accordingly, Cox respectfully requests that the Bureau grant this Petition for Reconsideration, rescind the grant of the Construction Permit Application, and dismiss the pending covering License Application

Respectfully submitted,

COX RADIO, INC.

By:



Michael D. Basile

Robert J. Folliard, III

DOW LOHNES PLLC  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036-6802  
(202) 776-2000

Its Attorneys

September 26, 2011

**ATTACHMENT A**

**Technical Statement**

TECHNICAL EXHIBIT  
IN SUPPORT OF AN OBJECTION TO  
W256BO ATLANTA, GEORGIA TRANSLATOR FACILITY ID 148550

This Technical Exhibit is prepared in support of an objection to FM Translator W256BO assigned to the community of Atlanta, Georgia. W256BO is licensed on 99.1 MHz which is on a third-adjacent channel and within the protected contour of WSB-FM on Channel 253C (98.5 MHz) assigned to Atlanta, Georgia.<sup>1</sup> W256BO has filed an application for construction permit to change its channel to become second-adjacent (98.9 MHz) to WSB-FM and increase its maximum effective radiated power to 250 watts from the present licensed 99 watts with no change in transmitter site location.<sup>2</sup>

It is demonstrated herein that W256BO has made eleven minor modifications since 2007 from its initially authorized facility. Furthermore, as WSB-FM intends to increase its HD Radio transmission power, there is concern about the loss of interference-free reception service to the W256BO translator that may occur due to interference from the increased WSB-FM HD Radio power. This is because the proposed new W256BO channel will be closer (second-adjacent) to that of WSB-FM than presently (third-adjacent).

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<sup>1</sup> See FCC License File Number: BLFT-20110607AAP.

<sup>2</sup> See FCC Application for Construction Permit File Number: BPFT-20110711AEI.

### **Serial Modifications**

Figure 1 is a map showing the FCC predicted 60 dBu coverage contours for W256BO. These contours represent the licensed and authorized facilities for W256BO. As can be seen from the map, eleven facility modifications have been made since 2007. The proposed W256BO application for construction permit is the twelfth requested modification since 2007. The geographic great-circle distance from the presently licensed facility (BLFT-20110607AAP) to its originally authorized facility (BNPFT-20030828ABU) is 84.2 kilometers (52.3 miles).

### **WSB-FM HD Radio Impact**

WSB-FM is presently transmitting HD Radio at a power level of -20 dBc.<sup>3</sup> WSB-FM intends to increase its HD Radio power level up to -11 dBc.<sup>4</sup> At this nearly maximized power level, significant caused interference into the proposed W256AO translator coverage area is predicted. Based upon the recent NPR Laboratory HD Radio tests, the analog indoor receivers desired-to-undesired interference ratio increases from -38 dB to -16 dB going from a third- to second-adjacent channel configuration and going from a IBOC injection level of 1% [-20 dBc] to 10% [-10 dBc] at a desired power level of -60 dBm.<sup>5</sup>

As the maximum analog effective radiated power difference between WSB-FM and the proposed translator is 26 dB, and the transmitter sites are only separated by 5.4 kilometers (3.4 miles), it is obvious that analog indoor-type receivers attempting to receive W256AO when operating on a second-adjacent channel to WSB-FM operating at nearly maximum permitted HD Power are likely to be subject to significant interference.

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<sup>3</sup> See FCC File Number: BDN-20030410AER.

<sup>4</sup> WSB-FM is limited from increasing its HD Radio power level to the FCC permitted maximum power level of -10 dBc due to WTXO(FM) on Channel 252A at Ashland, Alabama.

<sup>5</sup> See Table 5 "D/U ratios for indoor receivers at 40 dB WQPSNR" contained within National Public Radio, Report to the Corporation for Public Broadcasting Digital Radio Coverage & Interference Analysis (DRCIA) Research Project, Final Report, May 16, 2008.

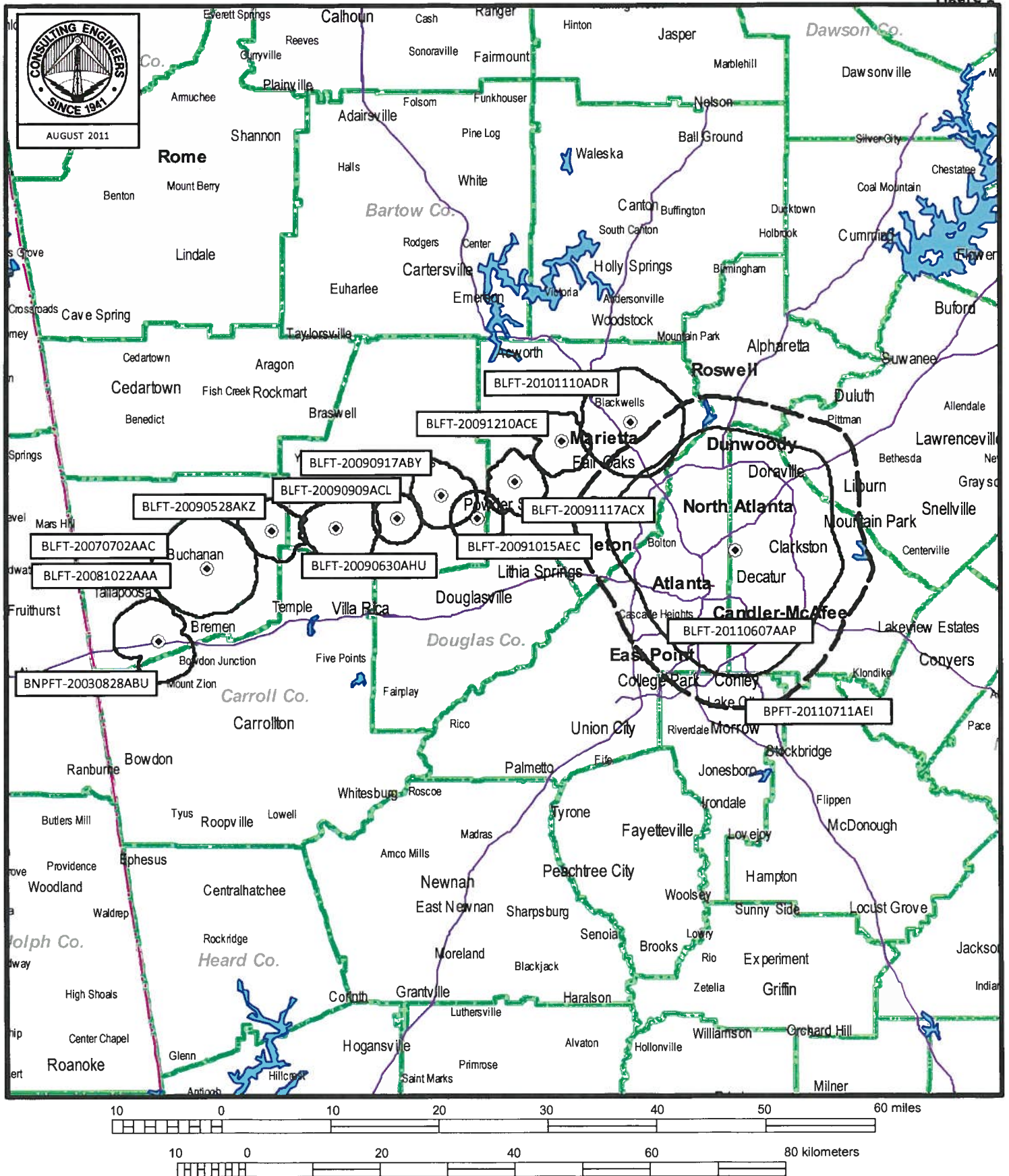
The predicted interference areas to the proposed W256BO are shown by the map contained in Figure 2. As can be seen from that map, most of the proposed W256BO predicted coverage areas would receive interference from WSB-FM HD Radio transmissions when using indoor-type receivers. As a comparison, the existing W256BO interference profile was calculated as shown by the map provided in Figure 3. As can be seen from that map, most of the existing W256BO predicted coverage area is predicted to be interference-free to indoor-type of receivers calculated using the standard FCC desired-to-undesired interference ratios.

Charles A. Cooper, P.E.

du Treil, Lundin & Rackley, Inc.  
201 Fletcher Avenue  
Sarasota, Florida 32437  
941.329.6000

September 9, 2011

Figure 1



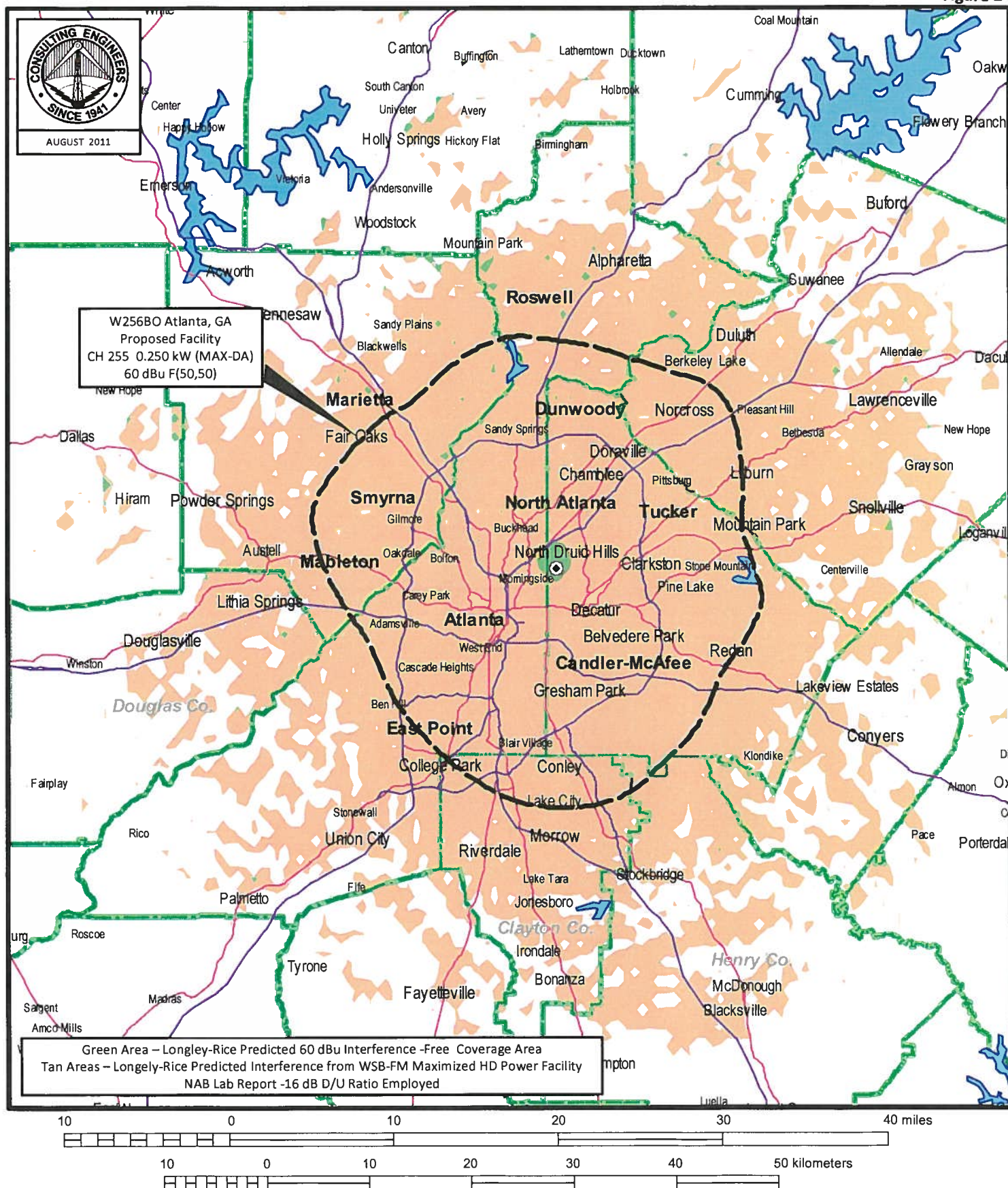
## PREDICTED 60 DBU COVERAGE CONTOURS

FM TRANSLATOR STATION W256BO

du Treil, Lundin & Rackley, Inc Sarasota, Florida



Figure 2



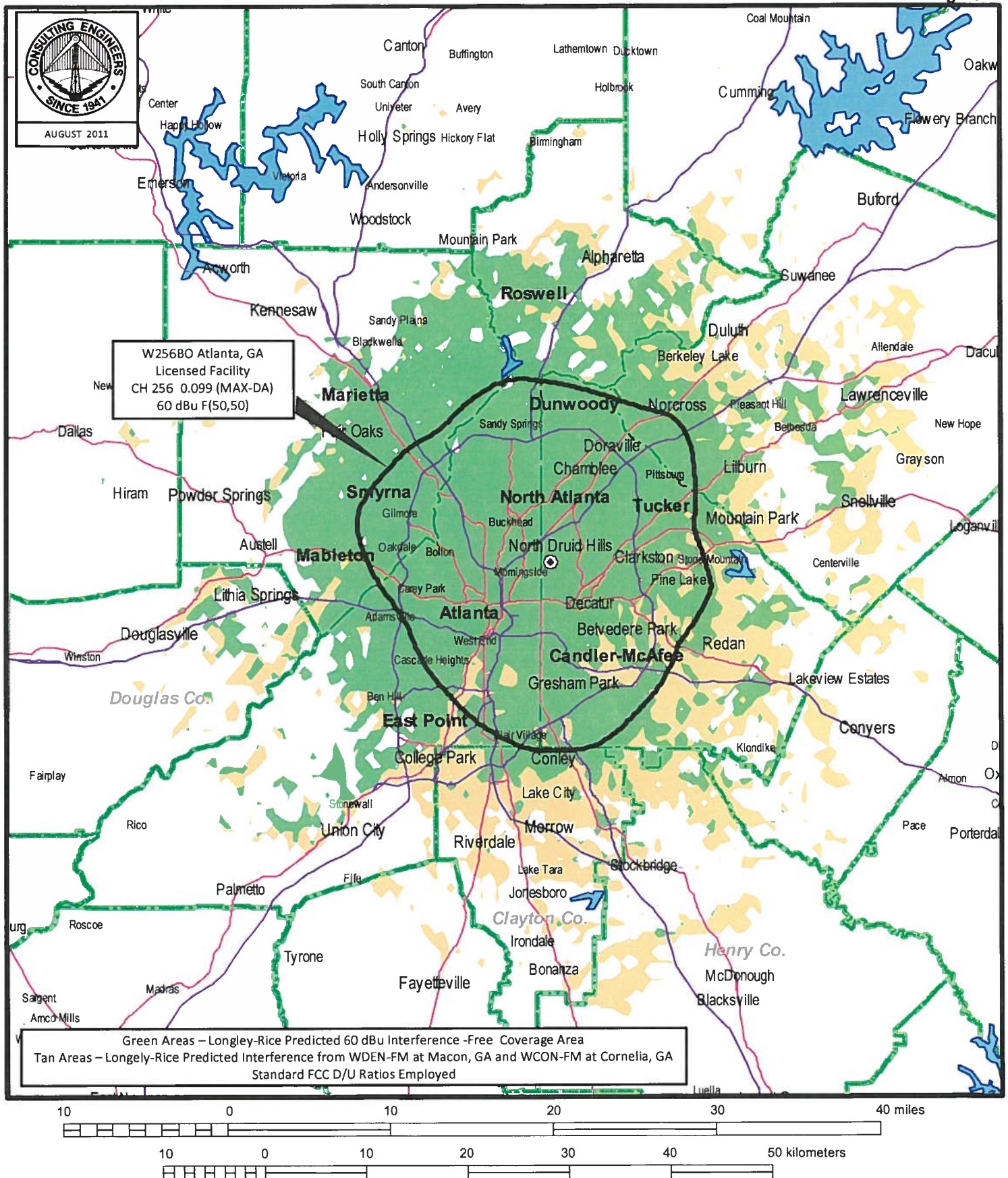
## PREDICTED COVERAGE AND INTERFERENCE TO PROPOSED W256BO TO INDOOR-TYPE RECEIVERS

### FM TRANSLATOR STATION W256BO

du Treil, Lundin & Rackley, Inc Sarasota, Florida



Figure 3



## PREDICTED COVERAGE AND INTERFERENCE TO EXISTING W256BO TO INDOOR-TYPE RECEIVERS

### FM TRANSLATOR STATION W256BO

du Treil, Lundin & Rackley, Inc Sarasota, Florida



**ATTACHMENT B**

**MX Translator Applications Dismissal Requests**

August 22, 2011

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

FILED/ACCEPTED

AUG 30 2011

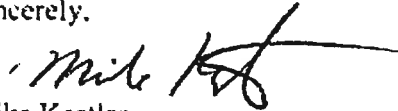
Federal Communications Commission  
Office of the Secretary

Re: Request for Withdrawal of Application  
NEW FM Translator, Lawrenceville, Georgia  
Facility Identifier Number: 138687  
File Number: BNPFT-20030310AZU

Dear Ms. Dortch:

On behalf of Calvary Chapel of Twin Falls, Inc., this letter requests withdrawal of the above referenced application for a new FM translator station at Lawrenceville, Georgia. If there are any questions concerning this request, please contact the undersigned.

Sincerely,



Mike Kestler  
President

LAW OFFICES  
**SCHWARTZ, WOODS & MILLER**  
SUITE 610, THE LION BUILDING  
1233 20TH STREET, N.W.  
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WRITER'S EXTENSION: 202

ROBERT A. WOODS  
(Retired)  
TAX COUNSEL  
MARK B. WEINBERG  
LOUIS SCHWARTZ  
(1918 - 2004)

August 30, 2011

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, D.C. 20554

FILED/ACCEPTED

AUG 30 2011

Federal Communications Commission  
Office of the Secretary

Re: Clark Atlanta University  
FM translator application  
Kennesaw, Georgia  
File No. BNPFT-20030317MMV  
Facility ID No. 158379  
FRN: 0003593498


Dear Ms. Dortch:

On behalf of Clark Atlanta University, applicant in the above-referenced file for authority to construct a new FM translator station on 98.9 MHz at Kennesaw, Georgia, we hereby withdraw and request dismissal of the application.

Please address any questions concerning this request to this office.

Very truly yours,

SCHWARTZ, WOODS & MILLER

By:   
Malcolm G. Stevenson

MGS/nmc

**From:** gene wisniewski [mailto:[genew@worldradiolink.com](mailto:genew@worldradiolink.com)]

**Sent:** Tuesday, August 30, 2011 2:29 PM

**To:** 'Robert Gates'

**Cc:** 'Steve Atkin'

**Subject:** Request to Dismiss Edgewater Broadcasting applications BNPFT-20030317DQJ, BNPFT-20030317DVE, BNPFT-20030317DPH, BNPFT-20030317DSO

**Rob,**

**Please dismiss the following Edgewater Broadcasting translator applications for the facilities listed below.**

**Dallas, GA FAC# 152226**

**File Number: BNPFT-20030317DQJ**

**Sugar Hill, GA FAC# 152348**

**File Number: BNPFT-20030317DVE**

**Alpharetta, GA FAC# 152190**

**File Number: BNPFT-20030317DPH**

**Marietta, GA FAC# 152280**

**File Number: BNPFT-20030317DSO**

Dr.Gene Wisniewski, PhD, SBE

Broadcast Engineer

World Radio Link, Inc.

phone (208) 733-3551 ext 12

e-mail [genew@WorldRadioLink.com](mailto:genew@WorldRadioLink.com)

August 19, 2011

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

FILED/ACCEPTED

AUG 30 2011

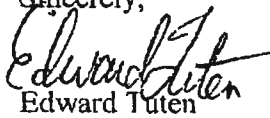
Federal Communications Commission  
Office of the Secretary

**Re: Request for Withdrawal of Application**  
NEW FM Translator, Cumming, Georgia  
Facility Identifier Number: 154244  
File Number: BNPFT-200360317DHB

Dear Ms. Dortch:

On behalf of Immanuel Broadcasting, Inc., this letter requests withdrawal of the above referenced application for a new FM translator station at Cumming, Georgia. If there are any questions concerning this request, please contact the undersigned.

Sincerely,



Edward Tuten  
President

## CERTIFICATE OF SERVICE

I, Rayya Khalaf, hereby certify that on this 26th day of September 2011, I caused a copy of the foregoing Petition for Reconsideration and Informal Objection of Cox Radio, Inc. to be served on the following:

By Email:

Peter Doyle, Chief  
Audio Division  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, DC 20554  
[audiodivisionpleadings@fcc.gov](mailto:audiodivisionpleadings@fcc.gov)

By U.S. Mail:

Mark Lipp  
Wiley Rein, LLP  
1776 K Street, NW  
Washington, DC 20006



Rayya Khalaf